

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

\$75,502.00 IN UNITED STATES
CURRENCY; ONE DRACO 7.62X39
MM PISTOL BEARING SERIAL
NUMBER 1974DR2075 WITH TWO
MAGAZINES AND 79 ROUNDS OF
7.62X39 AMMUNITION; ONE GLOCK
22C .40 CALIBER PISTOL BEARING
SERIAL NUMBER NWA716 WITH
THREE MAGAZINES AND 51
ROUNDS OF .40 CALIBER
AMMUNITION; ONE TAURUS PT
24/7 G2 9MM PISTOL BEARING
SERIAL NUMBER TEM35899 WITH
TWO MAGAZINES AND 90 ROUNDS
OF 9MM AMMUNITION; 29 ROUNDS
OF .45 CALIBER ACP 230 GRAIN
AMMUNITION; 190 ROUNDS OF .22
CALIBER LONG RIFLE
AMMUNITION; FIVE LOUIS
VUITTON BAGS; ONE BIRKIN BAG;
ONE HERMES PURSE; TWO JIMMY
CHOO BAGS; ONE CHANEL BAG;
ONE CHANEL PURSE; ONE VERSACE
NECKLACE; TWO PAIRS OF LOUIS
VUITTON SHOES; AND ONE PAIR OF
GUCCI SHOES.

Civil Action No.

1:14-CV-_____

VERIFIED COMPLAINT FOR FORFEITURE

COMES NOW, the United States of America, the Plaintiff in this matter, by Sally Quillian Yates, United States Attorney, and Jenny R. Turner, Assistant United States Attorney for the Northern District of Georgia, files this Complaint for Forfeiture. In support thereof, the United States shows the following:

Jurisdiction, Venue, and Statutes Supporting Forfeiture

1. This Court has jurisdiction and venue over this action and the claims raised herein by virtue of 28 U.S.C. §§ 1345, 1355, and 1395.

2. On May 13, 2014, law enforcement officers seized the following items at 5494 Rosehall Place in Atlanta, Georgia (Rosehall Place):

- a. \$75,502.00 in United States currency (the Defendant Currency);
- b. One Draco 7.62x39 mm pistol bearing serial number 1974DR2075 with two magazines and 79 rounds of 7.62x39 mm ammunition (the Draco);
- c. One Taurus PT 24/7 G2 9 mm pistol bearing serial number TEM35899 with two 9mm magazines and 90 rounds of 9mm ammunition (The Taurus);
- d. One Glock 22C .40 caliber pistol bearing serial number NWA716 with three magazines and 51 rounds of .40 caliber ammunition (the Glock);

- e. 29 rounds of .45 caliber ACP 230 grain ammunition (the .45 caliber ammunition);
- f. 190 rounds of .22 caliber long rifle ammunition (the .22 caliber ammunition);
- g. Five Louis Vuitton bags, one Birkin bag, one Hermes purse, two Jimmy Choo bags, one Chanel bag, one Chanel purse, one Versace necklace, two pairs of Louis Vuitton shoes; and one pair of Gucci shoes (the Personal Property)

(collectively the Defendant Property).

3. Rosehall Place is located within the jurisdiction and venue of this Court.

4. To date, the Defendant Property remains in the Northern District of Georgia or otherwise subject to this Court's jurisdiction.

5. The Defendant Currency is proceeds of specified unlawful activity, including but not limited to a violation of Title 21 of the United States Code subject to forfeiture pursuant to 21 U.S.C. § 881(a) and 18 U.S.C. § 981(a)(1)(A).

6. Additionally, the Draco, Taurus, Glock pistols, are firearms and ammunition involved in and used in violations of United States laws, that is, violations of Title 21 of the United States Code, and violations of 18 U.S.C. §§ 922(g) and 924(c).

The Facts and Circumstances Supporting Forfeiture

7. On May 13, 2014, at approximately 6:10 a.m., law enforcement officers of the United States Diplomatic Security Service (DSS) and the Fulton County Sheriff's Office (FCSO) executed a federal search warrant issued by a United States Magistrate Judge for the Northern District of Georgia and an arrest warrant issued in connection with charges pending in the United States District Court, Southern District of Florida, against Duane Livingston Plummer ("Plummer") for passport fraud in violation of 18 U.S.C. § 1542 at Plummer's Rosehall Place home.

8. At the time, Plummer was an illegal alien present in the United States unlawfully and without the express consent of any authorized official.

9. After knocking on the door and announcing their presence and the existence of a search warrant, law enforcement officers attempted to breach the fortified front door. Unable to make entry to Rosehall Place through the front door, law enforcement officers entered the home by breaching a door located at the rear of the residence. Law enforcement officers then conducted a protective sweep to identify and locate persons inside the house.

10. While searching the house to ensure that all its occupants were located and identified in anticipation of executing their search warrant, law enforcement officers smelled marijuana in the area of the garage.

11. Ultimately, after confirming that Plummer, Nashara Reid-Plummer (Reid), and two juveniles were the only non-law enforcement persons in the house, and after arresting Plummer, the law enforcement officers secured the premises.

12. Thereafter, the law enforcement officers began to execute the search warrant.

13. At or about the same time, personnel of FCSO applied for and received a separate state search warrant authorizing them to search the Rosehall Place home for evidence of drug crimes.

14. The ensuing search at Rosehall Place revealed the following items among the evidence seized:

- a. The Defendant Currency;
- b. Three bales of marijuana collectively weighing a more than 83 pounds;
- c. The Defendant Draco, Taurus, and Glock;
- d. The .45 caliber ammunition;
- e. The .22 caliber ammunition;
- f. Thirteen cellular telephones;
- g. One electronic scale model M10, serial number 000000006743;
- h. One box of gallon sized Ziploc bags;
- i. The Personal Property; and
- j. Miscellaneous electronics.

15. Consequently, Fulton County District Attorney Paul Howard ultimately charged Plummer and Reed with violating the Georgia Controlled Substances Act by trafficking in marijuana, possession of marijuana with intent to distribute

it, possession of a firearm during the commission of a felony, and theft by receiving stolen property.

16. At the time of this Complaint, the charges against Plummer and Reid remain pending in the Superior Court of Fulton County.

17. Likewise, the passport fraud charges remain pending against Plummer in the United States District Court for the Southern District of Florida.

Conclusion

18. Based on the foregoing evidence, the Defendant Property is subject to forfeiture on the grounds set forth above.

WHEREFORE, the United States prays:

That the Court forfeit the Defendant Property to the United States of America;

That the Court award the Plaintiff the costs of this action; and

That the Court grant such other relief as the Court deems just and proper.

Respectfully submitted,

SALLY QUILLIAN YATES
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/s/JENNY R. TURNER
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VERIFICATION

I, John Wharton, Special Agent of the United States Diplomatic Security Service, have read the Complaint for Forfeiture in this action and state that its contents are true and correct to the best of my knowledge and belief based upon my personal knowledge of the case and upon information obtained from other law enforcement personnel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 13 day of June, 2014.

/s/


JOHN WHARTON
SPECIAL AGENT
UNITED STATES DIPLOMATIC SECURITY
SERVICE